

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1707

WE CBD, LLC and WE C MANAGE,
LLC,

Plaintiff - Appellants,

v.

PLANET NINE PRIVATE AIR, LLC,

Defendant - Appellee.

CONSENT MOTION FOR LEAVE
TO FILE A SUPPLEMENTAL
JOINT APPENDIX

Pursuant to the Federal Rules of Appellate Procedure, Appellants, We CBD, LLC and We C Manage, LLC, respectfully move the Court for leave to file a supplemental joint appendix. In support of this Motion, Appellants offer the following:

1. Appellants filed their Opening Brief and Joint Appendix on November 6, 2023.
2. After conferring with Appellee regarding the contents of the Joint Appendix, Appellants retained a third party to prepare the Joint Appendix.
3. Recently, and after the Joint Appendix was filed, the Parties discovered an exhibit to Appellee's Motion for Summary Judgment was inadvertently omitted by the third party vendor from the Joint Appendix. Specifically, Exhibit 13, the Verified Complaint for Forfeiture *In Rem*, in *USA v. Approximately 548.22 Pounds of*

Hemp Detained from We CBD, LLC on November 8, 2020 at Charlotte-Douglas International Airport, No. 3:21-cv-267 (W.D.N.C) (the “*In Rem* Complaint”).

4. Although Exhibit 13, the *In Rem* Complaint, does appear at JA880-JA903 in the Joint Appendix, Appellee requests that the filed version of their Exhibit 13 be included in the Joint Appendix to accurately reflect that Appellee designated its inclusion in the record before the Court.

5. A supplemental appendix is the most efficient way to include the exhibit that will not interrupt the briefing schedule. Inserting Exhibit 13 into a corrected appendix would incur substantial additional expense and require refileing the opening brief with new citations. Further, the requested document is currently available in the Joint Appendix and the present record reflects that the document was filed as Exhibit 13 to Appellee’s Motion for Summary Judgment. As such, good cause exists for the Court to grant leave to file the supplement.

6. Counsel for Appellee consents to the relief requested in this Motion.

7. This Motion is filed in the interest of justice and not for purposes of undue delay.

WHEREFORE, Appellants respectfully request the Court grant leave to file a supplemental joint appendix.

Respectfully submitted, this 13th day of December, 2023.

/s/ William R. Terpening
William R. Terpening
N.C. Bar 36418

TERPENING LAW PLLC
221 W. 11th Street

Charlotte, North Carolina 28202
(980) 265-1700
terpening@terpeninglaw.com

*Counsel for We CBD, LLC and We C
Manage, LLC*

CERTIFICATE OF SERVICE

I certify that I have filed this **CONSENT MOTION FOR LEAVE TO FILE A SUPPLEMENTAL JOINT APPENDIX** through the Court's ECF system, which constitutes service on all parties.

Dated: December 13, 2023.

/s/ William R. Terpening
William R. Terpening